

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
October 15, 2003

Mayor David Dermer
Vice-Mayor Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R5 - Ordinances

- R5A An Ordinance Amending Ordinance No. 1605 As Amended, Being The Unclassified Employees Salary Ordinance; By Amending The Titles Of The Classifications Of First Assistant City Attorney To Assistant City Attorney And Assistant City Attorney II To Assistant City Attorney (II); Abolishing The Titles Of The Classifications Of Assistant City Attorney I And Senior Assistant City Attorney; Correcting The Public Record By Deleting Certain Lines; And Providing For A Repealer, Severability, Effective Date, And Codification. **11:30 A.M. Second Reading, Public Hearing.** (Page 215)
(City Attorney's Office)
(First Reading On July 30, 2003)
(Open & Continued On September 10, 2003)
(Open & Continued On September 18, 2003)

- R5B An Ordinance Amending Section 106-346, Entitled "Definitions", Of Miami Beach City Code Article VIII, Entitled "Parades", Of Miami Beach City Code Chapter 106, Entitled "Traffic And Vehicles"; "Defining Demonstration, Rally, Picket Line; Creating Miami Beach City Code Section 106-375, To Be Entitled "Prohibited Activities" Of City Code Article VIII, Entitled "Parades", Of Miami Beach City Code Chapter 106, Entitled "Traffic And Vehicles"; Establishing Regulations Concerning Parades And Demonstrations; Prohibiting Certain Activities At Demonstrations, Rallies, Picket Lines And Parades In Public Places In The City, Providing For Repealer, Severability, Codification And Effective Date. **11:00 A.M. Second Reading, Public Hearing.**

(Page 227)

(Economic Development/Police Department)

(First Reading On September 10, 2003)

- R5C An Ordinance Amending Chapter 102 Of The City Code, Entitled "Taxation"; Amending Division IV Therein, Entitled "Tax"; Amending Article V Therein, Entitled "Occupational License Tax"; Amending Section 102-379 Therein, Entitled "Schedule Of Taxes"; Said Amendment Repealing The Five Percent (5%) Increases, Respectively, On The Fee For Beachfront Concession Operations Per Activity Per Location, And Beach Upland Fee (Per Unit), As Approved By Ordinance 2003-3413 On July 30, 2003; Providing For Repealer, Severability, Codification, And An Effective Date. **11:45 A.M. Second Reading, Public Hearing.**

(Page 238)

(Finance Department)

(First Reading On September 18, 2003)

- R5D An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," By Amending Section 142-902, "Permitted Accessory Uses," By Including A Management Office For Non-Contiguous Multiple Residential Buildings, Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading.** (Page 245)

(Planning Department)

- R5E Revisions To The Parking Lots Or Regulations On Certain Lots (Ocean Drive)
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 142-1107, "Parking Lots Or Garages On Certain Lots" By Providing That Vacant Lots Fronting Ocean Drive That Existed As Of January 1, 1999 May Be Used For Provisional Or Temporary Parking Lots As Provided For In Sections 130-70 And 130-71 Of The Miami Beach City Code; Providing For Repealer, Codification, Severability And Effective Date. **10:30 A.M. First Reading, Public Hearing**

(Page 254)

(Planning Department)

(Opened & Continued On September 10, 2003)

- R5F An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Section 142-107. "Development Regulations For The Altos Del Mar Historic District," Increasing The Maximum Square Footage That May Be Built In The RS-4 Zoning District Within The "Altos Del Mar" Local Historic District, Providing For Codification; Repealer; Severability; And An Effective Date. **10:45 A.M. Second Reading, Public Hearing.**

(Page 263)

(Planning Department)

(First Reading On September 10, 2003)

R7 - Resolutions

- R7A A Resolution Approving And Officially Adopting The Biscayne Point Neighborhood Basis Of Design Report (BODR) And Addendum No. 1, Which Defines And Describes G.O. Bond, Water And Sewer Bond, And Stormwater Bond Funded Capital Improvements To Be Implemented Through The Biscayne Point Right Of Way Improvement Project. (Page 275)
(Capital Improvements Projects)
- R7B A Resolution Approving And Officially Adopting The Venetian Islands Neighborhood Basis Of Design Report (BODR) Which Defines And Describes G.O. Bond, Water And Sewer Bond, And Stormwater Funded Capital Improvements To Be Implemented Through The Venetian Islands Right Of Way Improvement Project. (Page 286)
(Capital Improvement Projects)
- R7C A Resolution Granting A Certificate Of Appropriateness For Demolition Of Fire Station No. 4, A Contributing Structure Of A Historic Site Located At 6860 Indian Creek Drive, In Order To Construct A New Three Bay Fire Station On The Same Site. **11:15 A.M. Public Hearing.** (Page 295)
(Capital Improvement Projects)
- R7D A Resolution Authorizing The Issuance Of Request For Qualifications (RFQ) For Professional Services For The Planning, Design, Bid And Award And Construction Administration Services For The Rotunda Restoration Project. (Page 328)
(Capital Improvement Projects)
- R7E A Resolution Authorizing The Administration To Enter Into Negotiations With Ric-Man International, Inc., The Lowest And Best Bidder, Pursuant To Invitation To Bid (ITB) No. 22-02/03, For Design/Build Services For Washington Avenue Improvements Phases 2, 4 And 5; And Should The Administration Not Be Able To Negotiate An Agreement With Ric-Man International, Inc., Authorize The Administration To Reject All Remaining Bids. (Page 357)
(Capital Improvement Projects)
- R7F A Resolution Authorizing The Execution Of A Management Services Agreement For The Miami Beach Convention Center And The Jackie Gleason Theater Of The Performing Arts Between The City And SMG, For A Term Of Three Years With An Option To Extend For Two Additional One Year Periods. (Page 368)
(City Manager's Office)
- R7G A Resolution Authorizing The Execution Of A Letter Of Agreement Establishing A Pilot Program With Onboard Media For A Maximum Of Twelve (12) Months To Produce And Air A Thirty (30) Minute Segment Of "Welcome To Miami Beach" In Promotion Of The City Of Miami Beach As A Tourist Destination And Quality Residential Community, On "Beach TV" (Charter Communications Geographic Territory), At No Cost To The City; Providing
- Prepared by the City Manager's Office iii

A Link On The City's Website, A Letter Of Support For The Programming Efforts And The City's Cooperation And Conceptual Support Of The Program And Its Production. (Page 463)
(City Manager's Office)

- R7H A Resolution Authorizing The Mayor And City Clerk To Execute A Lease Agreement With The Parkview Point Condominium Association, At The Rate Of \$20,000.00 Per Year, For FY 2003-2004, Renewable Annually For A Period Of Twenty (20) Years, Including Annual Increases Of 3% Or The CPI-U, Whichever Is Less, With A Ten (10) Year Renewable Option, At The End Of The Initial Term, Pending Federal Communications Commission (FCC) Site Approval, For The Lease Of The Rooftop, Located At 7441 Wayne Avenue, Miami Beach, Fl, For The Purpose Of Constructing A North End Radio/Antenna Site To House The City's Public Safety Communications System. (Page 474)
(Information Technology)

- R7I A Resolution Authorizing The Mayor And City Clerk To Execute An Operation And Management Agreement, By And Between The City Of Miami Beach, Florida, And Professional Course Management II, Ltd., For The Comprehensive Management And Operations Of The City's Miami Beach Golf Course, Clubhouse And Related Facilities, In Accordance With Request For Proposals (RFP) No. 125-99/00; Said Agreement Having An Initial Term Of Three (3) Years, Commencing On October 1, 2003, And Expiring September 30, 2006, With An Option To Renew For An Additional Two (2) One Year Terms, On A Year-To-Year Basis, As Provided In The Agreement. (Page 481)
(Parks & Recreation)

- R7J A Resolution Authorizing The City Manager, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; Terminate Existing Contracts As Needed; From The Last Commission Meeting On October 15, 2003, Until The First Regularly Scheduled Commission Meeting on November 25, 2003, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting on November 25, 2003. **Joint City Commission And Redevelopment Agency.** (Page 566)
(Procurement)

- R7K A Resolution Approving, Pursuant To Section 90-230 Of The Miami Beach City Code, The Renewal Of Non-Exclusive Franchise Agreements With The Four (4) Existing Franchise Waste Contractors: 1) Republic Services Of Florida, Limited Partnership D/B/A All Service – Miami Dade Division, As Successor In Interest To Lazaros Waste Recycling; 2) Davis Sanitation, Inc; 3) Waste Management Of Dade County North, A Division Of Waste Management, Inc Of Florida; And 4) Browning Ferris Industries Waste Services Of North America; Said Franchises Approved For A Term Of Five (5) Years, Commencing Retroactively On October 1, 2003, And Ending On September 30, 2008; Further Authorizing The Mayor And City Clerk To Execute Franchise Agreements With The Four (4) Aforestated Franchisees; Providing Further, That Said Approval Of Renewal Of The Four (4) Franchise Waste Contractors Be Subject To And Contingent Upon Each Waste Contractor's Renewal And Execution Of The Currently Existing Agreement For Provision Of Additional Services Relative To Solid Waste Collection At City-Owned Facilities, With The Term Of Said Agreement(s) To Run Concurrently With The Term Of The Franchise, As Set Forth In This Resolution. (Page 570)
(Public Works)

- R7L A Resolution Authorizing The Mayor And City Clerk To Renew A Service Agreement With BFI Waste Systems Of North America, Inc., For A Term Of One Year, Commencing November 1, 2003 And Ending On October 31,

2004, For The Collection And Disposal Of Residential Solid Waste, Yard Trash, Bulk Waste And Operation Of
The City's Solid Waste Management Facility. (Page 617)
(Public Works)

R9 - New Business and Commission Requests

R9A Board and Committee Appointments. (Page 631)
(City Clerk's Office)

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 637)
R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

R9C A Resolution Urging Against The Increase Of Development Intensities And Densities Through Relaxation Or
Modification Of The City's Land Development Regulations, Comprehensive Plan, And Concurrency System, As
A Result Of Its Recommendation On Rail-Based Transportation Systems, So As To Protect Against
Overdevelopment Of The City. (Page 639)
(Requested By Mayor Dermer)

R9D Discussion Re: Ordinance Creating The Ocean Rescue/Beach Safety Department. (Page 643)
(Requested By Commissioner Cruz)

R9E Discussion On The Settlement Agreement Between The Royal Palm Hotel And The City Of Miami Beach.
(Page 647)
(Requested By Commissioner Cruz)

R9F1 Referral To The Finance And Citywide Projects Committee Of The Establishment Of A Dedicated Source
Of Funding For The Cultural Arts Council. (Page 649)
(Requested By Commissioner Cruz)

R9F2 Discussion Regarding Alternative Funds For The Cultural Arts Council. (Page 651)
(Requested By Commissioner Bower)

R9G Discussion Regarding Resolutions Relating To City's Commission Committees. (Page 661)
(Requested By Commissioner Smith)

R9H Discussion And Status Report On The Normandy Shores Park And Youth Center. (Page 679)
(Requested By Commissioner Smith)

R9I Status Report On Wayfinding Signage Project. (Page 681)

Prepared by the City Manager's Office

R10 – City Attorney Reports

R10A Executive Session (Page 688)

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on October 15, 2003 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss pending litigation on the following cases:

West Side Partners, Ltd., a Florida limited partnership; East Coastline Development, Ltd., a Florida limited partnership; 404 Investments, Ltd., a Florida limited partnership; Azure Coast Development, Ltd., a Florida limited partnership; Beachwalk Development Corporation, a Florida corporation; Portofino Real Estate Fund, Ltd., a Florida limited partnership; St. Tropez Real Estate Fund, Ltd., a Florida limited partnership; and Sun & Fun, Inc., a Florida corporation, vs. City of Miami Beach, a Florida municipal corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA -30.

East Coastline Development, Ltd., a Florida limited partnership vs. City of Miami Beach, a Florida municipal corporation. Circuit Court of the Eleventh Judicial Circuit of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (removed to US Dist. Court, So. Dist. of Fla. Case No. 01-4921 CIV -MORENO)

East Coastline Development, Ltd., a Florida limited partnership, and Catherine F. Colonnese, a registered voter in the City of Miami Beach, Florida, vs. City of Miami Beach, a Florida municipal corporation. Circuit Court of the Eleventh Judicial Circuit of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (on Appeal in Third District Court of Appeal Case No. 3D01-3350)

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen and Dan Paul.

Reports and Informational Items

- A. Parking Status Report. (Page 691)
(Parking Department)
- B. Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.
(Page 729)
(Capital Improvement Projects)
- C. Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4.
(Page 731)
(Capital Improvement Projects)
- D. Status Report On North Shore Park And Youth Center. (Page 735)
(Capital Improvement Projects)
- E. Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 737)
(Procurement)
- F. Non-City Entities Represented By City Commission:
- Miami-Dade Homeless Trust Board Meeting Minutes Of August 1, 2003. (Page 738)
(Requested By Commissioner Steinberg)

End of Regular Agenda